

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA	:	
	:	CRIMINAL ACTION
v.	:	
	:	NO. 1:11-MJ-654-RGV
COREY GALLISDORFER	:	

**GOVERNMENT'S UNOPPOSED MOTION FOR EXTENSION OF TIME
IN WHICH TO FORMALLY CHARGE DEFENDANT**

Comes now the United States of America, through its counsel, Sally Quillian Yates, United States Attorney, and Robert C. McBurney, Assistant, and hereby files this unopposed motion for an extension of time in which to formally charge Defendant Gallisdorfer.

1.

On May 3, 2011, the Government filed a criminal complaint against Defendant Gallisdorfer in the above-referenced matter. (Doc 1). Gallisdorfer was arrested on the same day (Doc 2) and had his initial appearance in the Middle District of North Carolina; he was subsequently granted bail by a magistrate in that jurisdiction. The parties are now seeking Court authority to extend the time in which the complaint must be perfected into formal charges.

2.

A defendant must be formally charged by indictment or information within 30 days of his or her arrest on a complaint. 18 U.S.C. § 3161(b). Thus, in this case, Defendant Gallisdorfer must

be formally charged on or before June 2, 2011; after that time, absent action from this Court, the complaint is subject to dismissal and Defendant Gallisdorfer would be released from the conditions of his bail order.

3.

The parties have begun discussing ways in which Defendant Gallisdorfer might resolve his case short of a trial. Rather than lock in a set of charges in an indictment at this early juncture, the parties prefer to continue negotiations in a pre-charge posture, which requires extending the 30-day deadline for indictment. To that end, the parties are petitioning this Court for a 45-day extension to the indictment deadline. Counsel for Defendant Gallisdorfer has expressly consented to the Government's motion.

4.

This request meets the ends of justice in that, if granted, it should facilitate the speedy resolution of this case. Moreover, both the public's interest and the Defendant's interest would be well-served if the parties are able, given this extension, to resolve the case without consuming the time and expense of a trial that would entail bringing several witnesses from out of state.

5.

As such, the Government respectfully requests that this Court grant an extension of the deadline by which the Government must

formally charge the Defendant, through and including July 18, 2011, and exclude the applicable time under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A). The Government has included with this filing a proposed order for the Court to consider.

Respectfully submitted,

SALLY QUILLIAN YATES
UNITED STATES ATTORNEY

/s/ Robert C. McBurney
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CERTIFICATE OF SERVICE

This is to certify that the undersigned has on this date electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to Defendant's attorney of record.

This 26th day of May, 2011.

/s/ Robert C. McBurney
ROBERT C. McBURNey
ASSISTANT U.S. ATTORNEY